

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :
:
v. : 1:20CR339
:
DAVE DELANO VIRGIL :

FACTUAL BASIS

NOW COME the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11(b)(3), Fed. R. Crim. P., states as follows:

Dave Delano Virgil (“Virgil”) was born on October 26, 19XX in Scarborough, Tobago, West Indies and is a citizen of Trinidad and Tobago. On or about June 1, 1977, Virgil applied for a non-preference immigrant visa at the U.S. Consulate located in Port of Spain, Trinidad. On June 7, 1977, the U.S. consulate issued Virgil a non-preference immigrant visa (designated NP-1). On August 8, 1977, Virgil entered the United States at New York, New York as a Legal Permanent Resident. Virgil’s alien file reference number is XXX 254 044.

Virgil has never applied for nor petitioned for United States citizenship. Virgil knew he was not a United States citizen at all relevant times. Virgil, in fact, is not and never has been a United States citizen.

On January 10, 2013, Forsyth County, and on August 11, 2016, in Forsyth County, Virgil registered to vote.

On November 8, 2016, which was Election Day, Virgil voted in the November 2016 election, which was held for the purpose of electing a candidate for the office of President, Vice President, Member of the United States Senate, and Member of the United States House of Representatives, among other positions on the ballot.

This the 17th day of November, 2020.

Respectfully submitted,

/s/ MATTHEW G.T. MARTIN
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CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2020, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

John A. Duberstein, Attorney for Defendant

Helen Parsonage, Attorney for Defendant

/s/ MATTHEW G.T. MARTIN
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